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1653

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PATENT  
Attorney Docket 044921-5053-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patricia Murphy <i>et al.</i>	)	
	)	
Application No. 09/982,828	)	Group Art Unit: 1653
	)	
Filed: October 22, 2001	)	Examiner: Gabriele Bugaisky
	)	
For: Coding Sequences of the Human BRCA1 Gene	)	

**AMENDMENT & RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement dated March 25, 2004 and prior to examination on the merits, please amend this application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** begin on page 3 of this paper.

**Remarks** begin on page 7 of this paper.

04/28/2004 SSESHE1 00000003 500310 09982828

01 FC:2202	180.00 DA
02 FC:2203	145.00 DA



PATENT  
Attorney Docket **044921-5053-01**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Patricia Murphy *et al.*** )  
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Application No. **09/982,828** ) Group Art Unit: **1653**  
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Filed: **October 22, 2001** ) Examiner: **Gabriele Bugaisky**  
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For: **Coding Sequences of the Human BRCA1 Gene** )

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, room 1B03  
Arlington, VA 22202

**RESPONSE TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment and Response to Restriction Requirement in response to the Office Action dated March 25, 2004.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a Petition therefor. This request is being filed under the next business day rule on Monday, April 26, 2004 as the due date for responding fell on a Sunday (April 25, 2004). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Claims Remaining		Previously Paid	Extra	at Rate of	Total Fees
Total Claims	38	minus	20	18	at \$18 each =	324.00
Independent Claims	2	minus	3	0	at \$86 each =	0.00
First presentation of Multiple dependent claim					\$290.00	290.00
SUB-TOTAL =						614.00
Reduction by ½ for filing by a small entity						307.00
TOTAL FEE =						\$307.00

4. Fee Payment: The Commission is hereby authorized to charge **\$307.00** to Deposit Account 50-0310 for payment of the additional claims fee (\$162.00) and the first presentation of multiple dependent claim fee (\$145.00) at the small entity rate.
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any

required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 26, 2004**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

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Washington, D.C. 20004

202-739-3000

Respectfully submitted

**Morgan, Lewis & Bockius LLP**

A handwritten signature in cursive script, appearing to read "Robert Smyth", is written over a horizontal line.

Robert Smyth

Registration No. 50,801